

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

**DAVID JORDAN, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED;**

**Plaintiff,**

**vs.**

**MECHEL BLUESTONE, INC., AND;  
AND DYNAMIC ENERGY, INC.,**

**Defendants,**

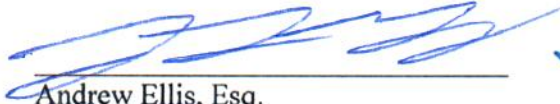
**5:16-CV-04413**

**MEDIATION AGREEMENT**

This day came the parties and agreed to settle this matter as follows:

1. Defendants agree to pay to each member of the class the sum of Ten Thousand Two Hundred Fifty Dollars (\$10,250.00), inclusive of attorneys' fees and costs. The members of the class will be determined upon further investigation and agreement of the parties. If the parties can't agree as to the exact members of the class, then any member in dispute will be resolved by the District Court.
2. Defendants agree to pay to class counsel an administrative fee of Thirty-Thousand Dollars (\$30,000.00) to administer the settlement.
3. Defendants agree to pay to David Jordan a class representative fee of Fifteen Thousand Dollars (\$15,000.00). This amount shall be in addition to his right to claim an individual member settlement amount.
4. The parties agree that no County Commission fee is required as a part of this settlement as the parties settled the matter without the need of a trial however the County Commission is not precluded from bringing its own cause of action for said fee pursuant to the WARN Act. 29 U.S.C Section 2104.
5. The parties agree that the sums payable herein, shall be paid in a lump sum by the Defendant no later than six (6) months from November 29, 2016, i.e. May 29, 2017. The class members shall have no later than November 30, 2017 to claim their individual class share.

ENTER and AGREED to: December 5, 2016.



Andrew Ellis, Esq.  
John F. Hussell, IV, Esq.  
John D. Wooton, Jr., Esq.  
WOOTON, DAVIS, HUSSELL  
& ELLIS, PLLC  
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Bren J. Pomponio, Esq.  
MOUNTAIN STATE JUSTICE, INC.  
Counsel for Plaintiff